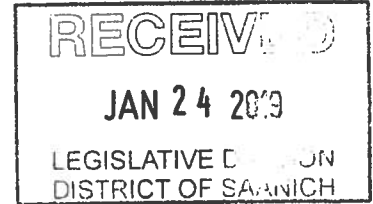




The Corporation of the District of Saanich

Supplemental Report

To: Mayor and Council
From: Sharon Hvozanski, Director of Planning
Date: January 23, 2019
Subject: Subdivision, Rezoning, and Development Variance Permit Application
File: SUB00607; REZ00446; DVP00404 • 3989 Holland Avenue



RECOMMENDATION

That Council not approve the application to rezone a portion of the property from the A-1 (Rural) Zone to the RS-6 (Single Family Dwelling) Zone.

Note: If Council resolves to support the Rezoning and Development Permit application, it is recommended that Final Reading of the Zoning Amendment Bylaw and issuance of the Development Variance Permit be withheld pending registration of a covenant to require:

- That dwellings on proposed Strata Lots 1, 2 and 3 conform to a minimum EnerGuide 80 or better level of energy efficient building design and construction standard, are designed to be solar ready; and are prepared for Type 2 electric vehicle plug-ins;
- That a maximum house size be secured for the remainder A-1 zoned lot;
- Preservation of the trees at the rear of proposed Strata Lot 3; and
- That a pedestrian pathway to Helmcken Road be constructed over the parcel owned by the District of Saanich, to be completed at a future date when the connection can be obtained over the neighbouring parcel at 3983 Holland Avenue.

Decisions required by Council: Should Council resolve to support the Rezoning and Development Permit application, there are two subsequent decisions to be made which are outlined in the body of this report.

PURPOSE

The purpose of this report is to provide further information to Council as requested at the December 3, 2018 Committee of the Whole meeting.

DISCUSSION

Background

The applicant proposes to rezone a portion of the property from A-1 (Rural) to create three new RS-6 (Single Family) zoned strata lots (four lots in total). The larger, remaining portion of the lot, with the existing dwelling would retain the A-1 (Rural) zoning. An OCP amendment and

variances for front yard setback on Lot 3 and fence height in the rear yard of the proposed strata lots is requested.

At the December 3, 2018 Committee of the Whole meeting Council received a report summarizing the proposal (as well as previous iterations) and outlining concerns raised by the Planning Department.

Council forwarded the proposal to a Public Hearing with further information requested on the following three items:

- Consideration of bonding to ensure that trees are retained;
- More information on the proposed pedestrian link; and
- Confirmation on whether or not accessory buildings are proposed.

1. Tree Retention

The arborist's report identified 15 trees on site, of which 7 are proposed to be removed. Eight trees are proposed to be retained, including three Garry oaks and three Douglas firs located in the northeast corner of proposed Strata Lot 3. The applicant has proposed tree preservation covenant areas at the rear of Strata Lot 3 as well as an area on the remainder A-1 portion. The applicant's arborist believes the proposed setbacks to be suitable and has outlined their methods to ensure retention of the trees.

Parks has reiterated their opinion that extraordinary measures will be required to retain these trees during construction and that even with these measures the long-term viability of these trees is still in question.

At the December 3, 2018 Committee of the Whole meeting Council stated that the applicant should consider bonding to ensure that trees are retained. The applicant has agreed to an additional bonding for the trees as part of the Conditional Approval for the subdivision.

Parks has advised that it is rare to take bonding for trees *and* secure tree retention by covenant, but note that bonding can provide stronger protection for trees during construction. Bonding for retention is more often used during the time frame of construction, whereas a covenant would be longer lasting and prevent certain activities in the future.

Regular covenant language would be something along the lines of "if the trees do not survive construction, or require removal, the penalty is \$5,000 per tree." This is a standard wording and penalty amount for covenant violations. Parks has suggested that if the amount were higher, it would provide greater incentive for tree retention and long-term survival. One approach would be for the applicant's arborist complete a tree appraisal using the 10th edition of the guide for Plant Appraisal, and have the penalty for covenant violation be for that amount. Parks has indicated that the appraisal value of the trees would likely be considerably more (e.g. a minimum of \$10,000 per tree) than the \$5,000 that is typical for a covenant penalty.

There are two options that Council could consider with respect to tree retention as outlined below. Direction is sought from Council on this issue.

Option 1

Use the standard wording for tree protection covenants, including the penalty amount of \$5,000 per tree for covenant violations. While this would be consistent with language used in

covenants elsewhere it is possible that this is not high enough to provide a strong incentive to retain the trees.

Option 2

Require the applicant's arborist to complete a tree appraisal using the 10th edition of the guide for Plant Appraisal, and have the penalty for covenant violation be for that amount for each tree. Parks has indicated that this figure is likely to be much higher than \$5,000 (e.g. \$10,000 minimum) and note that they have had a Douglas fir recently appraised at \$35,200.

Staff Comment

While the staff recommendation that Council not approve the application to rezone remains, if Council resolves to support the application, staff recommend consideration of Option 2 as described above be included in the requirements of any covenant. The higher penalty figures for covenant violation would provide a stronger incentive for tree retention.

2. Proposed Pedestrian Link

A pedestrian pathway link from the subject property to Helmcken Road was discussed at the December 3, 2018 Committee of the Whole meeting. A neighbour present at that meeting stated that the pedestrian link to Helmcken Road is not appropriate.

The following additional policies of the Carey Local Area Plan may be relevant to consideration of this item:

Carey Local Area Plan (1999)

- 10.2 "Endorse the concept of linear parks and trails as a greenway element and integrate it with the development of an overall greenway system for Carey as shown on Map 10.2."
- 10.4 "Integrate local parks and trails with a municipal-wide Greenways system, which links key greenspaces within the Carey area, and provides opportunities to access the important greenways, greenspaces and riparian zones of other local areas and the proposed Regional Greenways system."
- 10.5 "Retain unconstructed road rights-of-way and walkways, to provide informal open spaces and trail linkages; consider minor exceptions to increase the development potential of an adjacent municipal parcel."
- 11.12 "Acquire rights-of-way for footpaths, sidewalks, bikeways and greenways, particularly at the time of subdivision, and require construction by the developer where applicable, to ensure convenient access to schools, bus stops, shopping, parks and to provide for continuous pedestrian recreational routes."

A future trail link in this location was not identified on Map 10.2 of the Carey Local Area Plan, and a trail link currently exists between Blue Ridge Road and Helmcken Road via Rosedale Park and Lidgate Court.

For the proposed link to work, it would need to traverse two other properties. One parcel is a triangular shaped parcel fronting along Helmcken Road; this parcel has no address and is owned by the District of Saanich. Any pedestrian linkage would traverse this parcel to reach the sidewalk and bus stop located on Helmcken Road. At the north end of this property the land slopes down approximately 2 m from west to east over a distance of 30 m, a slope of 6.6%.

The other parcel is 3983 Holland Avenue, the parcel immediately to the south of the subject property (see Figure 1). A right-of-way would be required over a portion of the property in the extreme north-east corner of the parcel to complete the link from the subject property to Helmcken Road. The applicant has advised that the owner of 3983 Holland Avenue is not interested in working out an arrangement for the pathway to cut across the corner of his property.

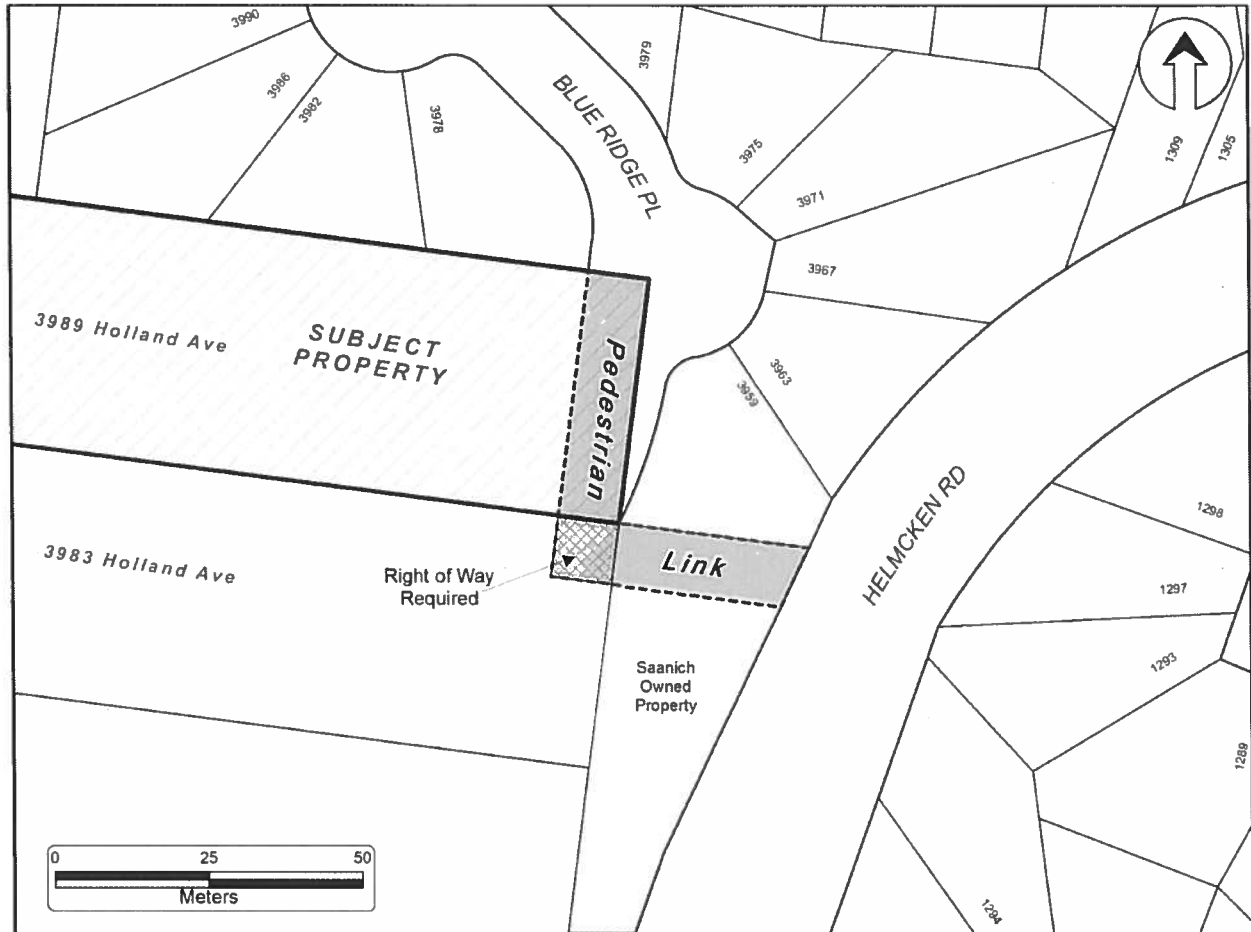


Figure 1. Potential Pedestrian Link

There are three options that Council could consider with respect to the proposed pedestrian link as outlined below. Direction is sought from Council on this issue.

Option 1

Secure a pedestrian link over the subject parcel and the parcel owned by the District of Saanich. The full pedestrian connection could then be completed over the north east portion of 3983 Holland Avenue in the future when an easement can be obtained or if the property owner at 3983 Holland Avenue applies to develop their land.

In the meantime, the applicant has agreed to provide \$3,500 per lot (total of \$10,500) of additional funds towards future sidewalk improvements leading towards the bus stop on Helmcken Road.

Although staff do not support of this development application, should Council resolve to support the application, staff would recommend Council secure a pedestrian link over a portion of the subject property as indicated on Figure 1 above and retain the funds to complete sidewalk construction/improvements.

Option 2

Do not proceed with a pedestrian link. This would align with the views of a number of neighbours, who do not feel a pedestrian link is warranted or appropriate.

Option 3


Postpone the application to allow the applicant time to continue to negotiate with the owner of 3983 Holland Avenue to secure the necessary access easement.


Staff Comment

While the staff recommendation that Council not approve the application to rezone remains, if Council resolves to support the application, staff recommend consideration of Option 1 as described above be included in the requirements of any covenant.

3. Accessory Buildings

The applicant has confirmed that they are not in agreement with placing a covenant on the proposed lots that would restrict accessory buildings being constructed. They have noted that any accessory buildings would need to be constructed in accordance with the Tree Protection Covenant that would be registered on the property.

Prepared by: 
Chuck Bell
Planner

Reviewed by: 
Shari Holmes-Saltzman
Manager of Current Planning

Approved by: 
Sharon Hvezdanski
Director of Planning

CWB/jsp

Attachments

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.



Paul Thorkelsson, Administrator